Supreme Court, U.S.
FILED

06-75 JUL 1 2 2006

No. OFFICE OF THE CLERK

In the
Supreme Court of the United States

LUIS GONZALEZ-CORTEZ,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

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I. QUESTIONS PRESENTED FOR REVIEW

A. Whether the Appellate Waiver Bars an Appeal of a Sentence In Excess of the Statutory Maximum, an Issue Raised by Gonzalez-Cortez on Direct Appeal.

B. Whether the Appellate Waiver also Waived Gonzalez-Cortez's Right to Receive Effective Assistance of Counsel at Sentencing, Barring his Appeal Based on a Violation of That Right.

II. TABLE OF CONTENTS

I. Questions Presented for Review i

II. Table of Contents ii

III. Table of Cited Authorities iii

IV. Opinions Below 1

V. Statement of the Basis of Jurisdiction 1

VI. Statutory and Constitutional Provisions Involved 1

VII. Statement of the Case 2

VIII. Argument Addressing Reasons for Allowing the Writ 6

IX. Conclusion 11

III. TABLE OF CITED AUTHORITIES

Case Law **Page No.**

Abney v. United States, 431 U.S. 651 (1977) 9

Blakely v. Washington, 124 S. Ct. 2531 (2004) . . . 5, 7, 8

Mabry v. Johnson, 104 S.Ct. 2543 (1984) 9, 11

Rogers v. Tennessee, 532 U.S. 451 (2001) 8, 9

Town of Newton v. Rumery, 480 U.S. 386 (1987) 9

United States v. Attar, 38 F.3d 727 (4th Cir. 1994) . 10, 11

United States v. Bond, 414 F.3d 542 (5th Cir. 2005) . . . 9

United States v. Booker, 125 S.Ct. 738 (2005) . . . 5, 8, 9

United States v. Bushert,
997 F.2d 1343 (11th Cir. 1993) 10

United States v. Marin, 961 F.2d 493 (4th Cir. 1992) . . 10

United States v. Melancon,
972 F.2d 566 (5th Cir. 1992) 10

United States v. White, 307 F.3d 336 (5th Cir. 2002) . . 10

Other Authorities

U.S. Const. Art. I, § 9, cl. 3. . . . . 1, 9

U.S. Const. Amend. V. 1, 2, 5

U.S. Const. Amend. VI 2, 9, 10, 11

U.S.S.G. § 2D1.1(c)(3) 3

U.S.S.G. § 3B1.1 4

U.S.S.G. § 3E1.1 3

18 U.S.C. § 3742(a) 1, 9, 11

21 U.S. C. § 846. 2

28 U.S.C. § 1254(1) 1

IV. OPINIONS BELOW

The judgment of the United States District Court, Eastern District of Texas, Sherman Division, was not reported, but is attached. (Apx. at 3a). The Court of Appeals for the Fifth Circuit decision is reported as United States v. Luis Gonzalez-Cortez, Case No. 05-41041 (5th Cir. 2006). (Apx. at 1a).

V. STATEMENT OF THE BASIS FOR JURISDICTION

The Fifth Circuit Court of Appeals entered its judgment on April 17, 2006. As final judgment of a circuit court has been rendered in this criminal matter, this Court has jurisdiction under 28 U.S.C. § 1254(1).

VI. STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

> A defendant may file a notice of appeal in the district court for the review of an otherwise final sentence if the sentence–
>
> (1) was imposed in violation of law;
>
> (2) was imposed as a result of an incorrect application of the sentencing guidelines

18 U.S.C. § 3742(a)

> No Bill of Attainder or ex post facto Law shall be passed.

U.S. Const. Art. I, § 9, cl. 3.

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or

> indictment of a Grand Jury * * *; nor shall any person * * * be deprived of life, liberty, or property, without due process of law * * *.

U.S. Const. Amend. V.

> In all criminal prosecutions, the accused shall enjoy to right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. Amend. VI.

VII. STATEMENT OF THE CASE

On October 14, 2004, a Grand Jury for the United States District Court, Eastern District of Texas, Sherman Division, returned a superseding indictment against five individuals, one of whom was Gonzalez-Cortez. Gonzalez-Cortez was charged with conspiracy to possess with intent to distribute in 5 kilograms or more of a cocaine mixture or substance containing a detectable amount of cocaine in violation of 21 U.S. C. § 846 and 18 U.S.C. § 2.

Initially, Gonzalez-Cortez entered a plea of not guilty. However, he later agreed to plead guilty pursuant to a government offered plea agreement, entered on November 29, 2004. Gonzalez-Cortez admitted to being responsible for up to 26 kilograms of cocaine. No other enhancing information

was reflected in his admissions. Based on his admissions, the offense level would be no higher than 34. U.S.S.G. § 2D1.1(c)(3).[1]

The plea agreement also contained an appellate waiver. Relevant portions of the plea agreement state that Gonzalez-Cortez reserved the right to appeal: (1) any punishment imposed in excess of the statutory maximum; and (2) claims of ineffective assistance of counsel affecting the validity of the waiver itself.

Subsequently, the court ordered a Presentence Investigation Report, (hereinafter "PSI"), prepared as to Gonzalez-Cortez. The PSI included calculations different from Gonzalez-Cortez's admissions and held him responsible for 63.74 kilograms of cocaine, the presence of a weapon, and for allegedly acting as a leader or organizer in the offense. The cumulative total of these calculations resulted in a total offense level of 42. Based upon these calculations, the guideline range of imprisonment was 360 to life.

Gonzalez-Cortez appeared for sentencing on November 11, 2005. Defense counsel made four objections to the presentence investigation report on behalf of Gonzalez-Cortez. Defense counsel argued that Gonzalez-Cortez should receive a three level reduction for acceptance of responsibility, pursuant to U.S.S.G. § 3E1.1. Next, objections were made to enhancements being applied based on facts not previously admitted by Gonzalez-Cortez. Counsel objected to the drug

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[1] Gonzalez-Cortez was a first time offender, resulting in a Criminal History Category I. Based on a level 34 and a Criminal History Category I, the guideline range reflected by his admissions alone was 151 to 188 months imprisonment.

amount attributed to Gonzalez-Cortez. Gonzalez-Cortez had admitted to culpability in an offense involving between five and 26 kilograms of cocaine. However, the PSI attributed 63.74 kilograms of cocaine to Gonzalez-Cortez. An objection was made to the weapon enhancement under § 2D1.1(b)(1), as the government had not proved that the weapon seized from Gonzalez-Cortez was not connected to any drug activity. Finally, an objection was made to the leadership enhancement, as the government had not proved that Gonzalez-Cortez was responsible for directing or controlling other participants.

In order to support the § 3B1.1 leadership enhancement, the government informed the sentencing court that it intended on calling a witness to testify that he received direction from Gonzalez-Cortez. Unfortunately, however, the witness was not present at this sentencing hearing. The court decided to take a short recess to allow the government to locate the witness. After this recess, defense counsel without explanation withdrew all of his objections except his objection to the acceptance of responsibility. The government recommended that the court grant Gonzalez-Cortez acceptance of responsibility. The court granted Gonzalez-Cortez acceptance of responsibility and determined that the new total offense level would be 39. Based on an offense level 39 and a criminal history of one, the Guideline range was 262 to 327months imprisonment. Gonzalez-Cortez was sentenced to a term of 295 months.

A timely notice of appeal was filed and Gonzalez-Cortez appealed to the Fifth Circuit Court of Appeals, Case No. 05-41041. On appeal Gonzalez-Cortez made two arguments based on constitutional violations that occurred at sentencing.

First, Gonzalez-Cortez received ineffective assistance of counsel at sentencing when defense counsel abandoned objections to erroneous enhancements based on both the amount of cocaine attributed to him and his alleged role as a leader in the offense. These allegations were unprovable and resulted in a six level increase in Gonzalez-Cortez's offense level and a much longer sentence. The government bore the burden of proving these accusations and neither probation nor the government could provide reliable evidence to sustain its burden of proving the enhancements. Had counsel continued these objections, Gonzalez-Cortez would not have received the enhancements, and his term of imprisonment would have been shorter. Therefore, counsel's abandonment of the objections at sentencing fell below an objective standard of reasonableness and prejudiced Gonzalez-Cortez.

Second, the sentencing court violated the *Ex Post Facto* Clause and Gonzalez-Cortez's right to due process of law under the Fifth Amendment by imposing a sentence greater than the statutory maximum sentence available based on the rule in effect at the time Gonzalez-Cortez committed the instant offense. When Gonzalez-Cortez committed the instant offense, the Sentencing Guidelines were mandatory, and the "statutory maximum" was the top end of the guideline range reflected by his admissions. See, Blakely v. Washington, 124 S. Ct. 2531, 2537 (2004). When the Court, in United States v. Booker, 125 S.Ct. 738 (2005), eliminated the mandatory application of the Guidelines it served in this case to increase the statutory maximum sentence from the top end of the guideline range to the maximum under 21 U.S.C. § 841(b)(1)(A). Based on Gonzalez-Cortez's admissions, his guideline range of imprisonment would have been 151 to 188 months. Thus, under the rule in place at the time he committed the instant offense, the statutory maximum was 188 months. Gonzalez-Cortez received a sentence of 295

months imprisonment, well in excess of the statutory maximum.

Rather than address the constitutional issues, the government filed a motion to dismiss the appeal. The government argued that Gonzalez-Cortez's appeal must be dismissed, as the issues raised therein were waived from appellate review in Gonzalez-Cortez's plea agreement. Subsequently, Gonzalez-Cortez filed a motion in opposition to the government's motion to dismiss. At issue was not whether the appeal waiver was valid. Instead, Gonzalez-Cortez argued that the waiver specifically reserved the right to appeal the -type of issues raised in Gonzalez-Cortez's opening brief because it permitted an appeal of a sentence in excess of the statutory maximum. Moreover, the waiver did not specifically waive Gonzalez-Cortez's right to receive effective assistance of counsel. Therefore, the waiver was not knowingly and intelligently made with respect to his right to constitutionally effective representation.

Despite these well founded constitutional arguments and without explanation, the Fifth Circuit granted the government motion and dismissed Gonzalez-Cortez's appeal. United States v. Gonzalez-Cortez, App. No. 05-41041 (5th Cir. 2006).

VIII. ARGUMENT ADDRESSING REASONS FOR ALLOWING THE WRIT

Under Supreme Court Rule 10, the Court will review a United States Court of Appeals decision for compelling reasons. A compelling reason exists when "a United States court of appeals has entered a decision in conflict with the decision of another United States court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last

resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." S.Ct.R. 10(a). These compelling reasons exists in the instant case.

A. The Appellate Waiver Cannot Bar a Sentence In Excess of the Statutory Maximum, an Issue Raised by Gonzalez Cortez on Direct Appeal.

First, contrary to the government's argument and the Fifth Circuit's decision, the arguments raised by Gonzalez-Cortez on appeal were not waived by the appellate waiver contained in the plea agreement. In the instant case, the appeal waiver expressly provided that Gonzalez-Cortez may appeal a sentence that is in excess of the "statutory maximum." The terms "statutory maximum" is not defined in the plea agreement. Argument II of the opening brief specifically makes the point that Gonzalez-Cortez was sentenced in excess of the "statutory maximum" sentence. Accordingly, Gonzalez-Cortez submits that the appeal waiver contained in the plea agreement specifically reserves the right to appeal the type of issue raised by Gonzalez-Cortez in Argument II of his opening brief.

Further, Gonzalez-Cortez made a meritorious argument that he was sentenced beyond the statutory maximum in this case. The United States Supreme Court in Blakely v. Washington, 124 S. Ct. 2531 (2004) defined the term "statutory maximum" as "the maximum sentence a judge may impose **solely on the basis of the facts reflected in the jury verdict or admitted by the defendant**. * * * When a judge inflicts punishment that the jury's verdict alone does not allow, the jury has not found all the facts 'which the law makes essential to the punishment." Blakely, 124 S.Ct. at 2537. Based on that rule, the statutory maximum sentence

was the maximum sentence that could be imposed under the then mandatory Guidelines, that was reflected in the jury verdict or a defendant's admissions. This was the rule in place at the time Gonzalez-Cortez committed the instant offense and the rule in place at the time he pleaded guilty on October 20, 2004.

After Gonzalez-Cortez had pleaded guilty but before sentencing, the Supreme Court issued its decision in United States v. Booker, 125 S.Ct. 738 (2005), confirming that the definition of "statutory maximum" in Blakely applied to the Guidelines. Under the mandatory federal guideline system that was in effect before Booker, the "statutory maximum" sentence was the top of the applicable guideline range. 125 S. Ct. at 749. However, the Booker decision declared that in order to make the Guidelines constitutional, the Guidelines must be made advisory, and non-binding on sentencing courts. Through this judicial amendment to the Guidelines, the Supreme Court effectively raised the maximum penalty that may be imposed for federal drug crimes from the top end of the guideline range to the maximum under 21 U.S.C. § 841(b)(1).

The *ex post facto* principles inherent in the Due Process Clause bar a Court from imposing a sentence any greater than the range as calculated based on the rule in effect at the time Gonzalez-Cortez committed the instant offense. Rogers v. Tennessee, 532 U.S. 451, 456 (2001). Gonzalez-Cortez admitted to being responsible for up to 26 kilograms of cocaine. No other enhancing information was reflected in his admissions. Accordingly, based on the Gonzalez-Cortez's admissions, his offense level could have been no higher than 34. U.S.S.G. § 2D1.1(c)(3). Based on Gonzalez-Cortez's admissions, his guideline range of imprisonment would have been 151 to 188 months. Thus, under the rule in place at the time he committed the instant offense, the statutory maximum

was 188 months. In applying the Booker remedy decision, Gonzalez-Cortez received a sentence of 295 months imprisonment, 107 months above the "statutory maximum" permitted at the time he committed the offense and pleaded guilty. Such an increase in punishment should not have applied retroactively to the detriment of Gonzalez-Cortez.

Because Gonzalez-Cortez argued that he was sentenced in excess of the statutory maximum, the Fifth Circuit's decision granting the government's motion to dismiss conflicts with 18 U.S.C. § 3742(a), U.S. Const. Art. I, § 9, cl. 3, Rogers v. Tennessee, 532 U.S. 451, 456 (2001) and the Sixth Amendment. Accordingly, the Fifth Circuit mandate should be recalled and the appeal should proceed in the Fifth Circuit based on the merits.

B. Gonzalez-Cortez Did not Waive his Right to Effective Assistance Of Counsel.

The right to appeal is a statutory right, not a constitutional right. Abney v. United States, 431 U.S. 651, 656 (1977); 18 U.S.C. § 3742; 28 U.S.C. § 1291. The Supreme Court has recognized that a defendant may waive constitutional rights as part of a plea bargaining agreement. Town of Newton v. Rumery, 480 U.S. 386, 393 (1987). It follows that a defendant may also waive statutory rights, including the right to appeal. To be valid, a defendant's waiver of his right to appeal must be informed and voluntary. Mabry v. Johnson 104 S.Ct. 2543, 2547 (1984), United States v. Bond, 414 F.3d 542, 544 (5th Cir. 2005).

Even if a defendant validly waives his appellate rights, there are still some claims that he can raise. Although a defendant waives his right to appeal, "he does not subject himself to be sentenced at the whim of the district court."

United States v. Marin, 961 F.2d 493, 496 (4th Cir. 1992). A defendant may be permitted to raise ineffective assistance of counsel claims, as well as claims that his sentence was in excess of the maximum authorized sentence under the Guidelines. United States v. Attar, 38 F.3d 727, 731 (4th Cir. 1994) (holding that a defendant who waives his appellate rights can challenge proceedings following the guilty plea that were conducted in violation of the Sixth Amendment right to counsel, because a defendant's agreement to waive appellate review of his sentence is implicitly conditioned on the assumption that the proceedings following entry of the plea will be conducted in accordance with constitutional limitations); *see also*; United States v. Bushert, 997 F.2d 1343, 1351 (11th Cir. 1993) (stating that a general waiver of the right to appeal a sentence contained in a plea agreement does not bar appellate review of a claim that the sentence was imposed in violation of certain "fundamental and immutable" constitutional guarantees).

Notwithstanding this Circuits current rule to the contrary in United States v. White, 307 F.3d 336 (5th Cir. 2002), a defendant should not be able to waive his right to appeal constitutional violations when he lacks the fundamental ability to be aware of their existence because they have not yet occurred. See, United States v. Melancon, 972 F.2d 566, 572 (5th Cir. 1992)(Parker, Judge Robert, concurring)(A "right can not come into existence until after the judge pronounces sentence; it is only then that the defendant knows what errors ... exist to be appealed, or waived."). Gonzalez-Cortez argued on direct appeal that he was denied effective assistance of counsel at sentencing when counsel withdrew objections and allowed Gonzalez-Cortez to receive a longer sentence based on enhancements that could not be proved by the government. As demonstrated in Argument I in the Opening Brief of the Appellant, Gonzalez-Cortez was never informed that by

entering an appeal waiver, he was waiving his Sixth Amendment right to effective assistance of counsel at sentencing. Therefore, the appellate waiver should not have served to bar his claims of ineffective assistance of counsel at sentencing.

The Fifth Circuit's decision granting the government's motion to dismiss conflicts with 18 U.S.C. § 3742(a), United States v. Attar, 38 F.3d 727, 731 (4th Cir. 1994), Mabry v. Johnson, 104 S.Ct. 2543, 2547 (1984) and the Sixth Amendment. Accordingly, the Fifth Circuit mandate should be recalled in this case and the appeal should proceed in the Fifth Circuit based on the merits.

IX. CONCLUSION

Gonzalez-Cortez respectfully submits that he has demonstrated compelling reasons to grant writ of certiorari in this case. The appellate waiver permitted an appeal based on the errors alleged in this case. Accordingly, certiorari should be granted, the Fifth Circuit mandate should be recalled in this case, and the appeal should proceed in the Fifth Circuit based on the merits.

Respectfully submitted,

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APPENDIX A

IN THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

No. 05-41041

[Filed April 17, 2006]

UNITED STATES OF AMERICA	)
	)
Plaintiff - Appellee	)
	)
v.	)
	)
LUIS GONZALEZ-CORTEZ	)
	)
Defendant - Appellant	)
	)

Appeal from the United States District Court for the Eastern District of Texas, Sherman

Before SMITH, GARZA, and PRADO, Circuit Judges.

PER CURIAM:

IT IS ORDERED that appellee's motion to dismiss the appeal is granted.

IT IS FURTHER ORDERED that appellee's alternative motion for an extension of 30 days from the date of this order to file appellee's brief is moot.

/s/_____

APPENDIX B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN

No. 4:04CR00156-004
USM No. 11578-078

[Filed July 11, 2005]

UNITED STATES OF AMERICA)
)
v.)
)
LUIS GONZALEZ-CORTEZ)
)

JUDGMENT IN A CRIMINAL CASE

THE DEFENDANT:
[X] pleaded guilty to count(s) 1 of the Indictment

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC § 846	Conspiracy to Possess with Intent to Distribute Cocaine	10/14/204	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

6/30/2005
Date of Imposition of Judgment

/s/
Signature of Judge

Michael H. Schneider
United States District Judge

July 7, 2005
Date

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: 295 months

[X] The court makes the following recommendations to the Bureau of Prisons:

The defendant be incarcerated at Seagoville, if eligible.

The defendant participate in the Inmate Financial Responsibility Program, if eligible.

The defendant participate in the 500-hour residential drug abuse treatment program, if eligible.

[X] The defendant is remanded to the custody of the United States Marshal.

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of: 5 years

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

[X] The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)

[X] The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

1) the defendant shall not leave the judicial district without the permission of the court or probation officer;

2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;

3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;

4) the defendant shall support his or her dependents and meet other family responsibilities;

5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;

6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;

7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;

8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;

10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;

11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;

12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and

13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

ADDITIONAL SUPERVISED RELEASE TERMS

Immediately upon release from confinement, the defendant shall be surrendered to a duly authorized immigration official for deportation proceedings in accordance with the established procedures provided by the Immigration and Nationality Act, 8 USC, Section 1101, et seq. If ordered deported, the defendant shall remain outside of the United States. In the event the defendant is not deported, the defendant shall comply with all conditions of supervised release.

The defendant shall pay any financial penalty that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release.

The defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring efforts at obtaining and maintaining gainful employment.

The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless payment of any financial obligation ordered by the Court has been paid in full.

The defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as the defendant is released from the program by the probation officer.

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	Assessment	Fine	Restitution
TOTALS:	$100.00	$25,000.00	$0.00

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

	Total Loss*	Restitution Ordered
TOTALS	$0.00	$0.00

[X] The court determined that the defendant does not have the ability to pay interest and it is ordered that:

[X] the interest requirement is waived for the [X] fine.

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A [X] Lump sum payment of $ 100.00 due immediately, balance due

[X] in accordance [F] below;

F [X] Special instructions regarding the payment of criminal monetary penalties:

Fine payments to begin immediately. Any amount that remains unpaid when the defendant's supervision commences is to be paid on a monthly basis at a rate of at least ten percent of the defendant's gross income, to be changed during supervision, if needed, based on the defendant's changed circumstances, pursuant to 18 USC Section 3572(d)(3).

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the U.S. District Court, Fine & Restitution Section, P.O. Box 570, Tyler, TX 75710.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

DENIAL OF FEDERAL BENEFITS
(For Offenses Committed On or After November 18, 1988)

FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 862

IT IS ORDERED that the defendant shall be:

[X] ineligible for all federal benefits for a period of 5 years.

Pursuant to 21 U.S.C. § 862(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility. The clerk is responsible for sending a copy of this page and the first page of this judgment to:

U.S. Department of Justice, Office of Justice Programs,
Washington, DC 20531